

FILED
U.S. DISTRICT COURT
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CLERK *D. Taylor*
SOUTHERN DISTRICT OF GEORGIA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

DENNIS GRAY WILLIAMS,

Petitioner,

v.

ROBERT E. O'NEILL and
KENNETH DUBOSE,

Respondents.

CIVIL ACTION NO.: CV511-113

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Dennis Gray Williams ("Williams"), an individual currently incarcerated at D. Ray James Correctional Facility ("D. Ray James") in Folkston, Georgia, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. In his petition Williams seeks injunctive relief. As a result, Williams' petition was also docketed as an Emergency Motion for Injunctive Relief. (Doc. No. 3).

Williams asks the Court to "[g]rant appropriate injunctive relief . . . enjoining the Respondent, Robert E. O'Neill to temporarily cease any further prosecution or punishment of Petitioner in his related federal criminal matter[.]" (Doc. No. 3, p. 22). To be entitled to an injunction, the movant must show: (1) a substantial likelihood of ultimate success on the merits; (2) an injunction or protective order is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the injunction or protective order would inflict on the non-movant; and (4) the injunction or protective order would not be adverse to the public interest. Schiavo ex rel. Schindler v. Schiavo,

403 F.3d 1223, 1225-26 (11th Cir. 2005). In this Circuit, an "injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly established the 'burden of persuasion' as to the four requisites." Horton v. City of St. Augustine, Fla., 272 F.3d 1318, 1326 (11th Cir. 2001).

Williams has asserted various claims pertaining to his convictions obtained in the Middle District of Florida. To obtain injunctive relief, Williams must show a substantial likelihood of success on at least one claim. Williams has failed to show there is a substantial likelihood that he could prevail on the merits of his petition. In short, Williams has failed to meet his burden of showing he is entitled to injunctive relief.

CONCLUSION

Based on the foregoing, it is my **RECOMMENDATION** that Williams' request for injunctive relief be **DENIED**.

SO REPORTED and RECOMMENDED, this 29th day of February, 2012.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE